

MINUTE ITEM

This Calendar Item No. C47 was approved as Minute Item No. 47 by the California State Lands Commission by a vote of 3 to 0 at its 02-09-06 meeting.

**CALENDAR ITEM
C47**

A 67

PRC 3568

02/09/06

S 35

WP 3568.1

S. Young

AMENDMENT OF LEASE

LESSEE:

Bolero Lane LLC
c/o Nazir S. Antoun

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Huntington Harbour, Huntington Beach, Orange County.

AUTHORIZED USE:

(1) The continued use and maintenance of an existing boat dock; and (2) the continued use and maintenance of a cantilevered deck extending no more than five feet waterward of the existing bulkhead.

LEASE TERM:

Ten years, beginning April 25, 2003.

CONSIDERATION:

As to the boat dock \$237 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; as to the construction and maintenance of the cantilevered deck, \$1,013 per year with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENTS:

The removal and replacement of the existing boat dock and installation of a new "U" shaped boat dock, gangway and two new 14" diameter piles. Additionally, revise the existing rent as to the boat dock from \$237 per year to \$256 per year effective on April 25, 2006, to provide for the additional square footage occupied by the replacement boat dock. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.

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2. On February 17, 2005, the Commission approved the issuance of a General Lease – Recreational Use for a ten-year term to the Bolero Lane LLC (Lessee) for the existing boat dock and for the construction and maintenance of a cantilevered deck. The Lessee is now applying for an amendment to PRC 3568.1 to allow for the removal and replacement of the existing boat dock. Lessee does not qualify for a rent-free lease as to the boat dock pursuant to Public Resources Code section 6503.5 because the Lessee is not a natural person. The replacement boat dock occupies a larger area, thus the rent is revised to reflect the additional square footage of this improvement on State lands.
3. On December 14, 2005, the California Coastal Commission (CCC) granted Permit #5-05-378 for this project under its certified regulatory program [Title 14, California Code of Regulations, section 15251 (c)]. Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

City of Huntington Beach
California Coastal Commission
Regional Water Quality Control
Army Corps of Engineers

EXHIBITS:

- A. Location and Site Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #5-05-378, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM [TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c)], AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

SIGNIFICANT LANDS INVENTORY FINDING:

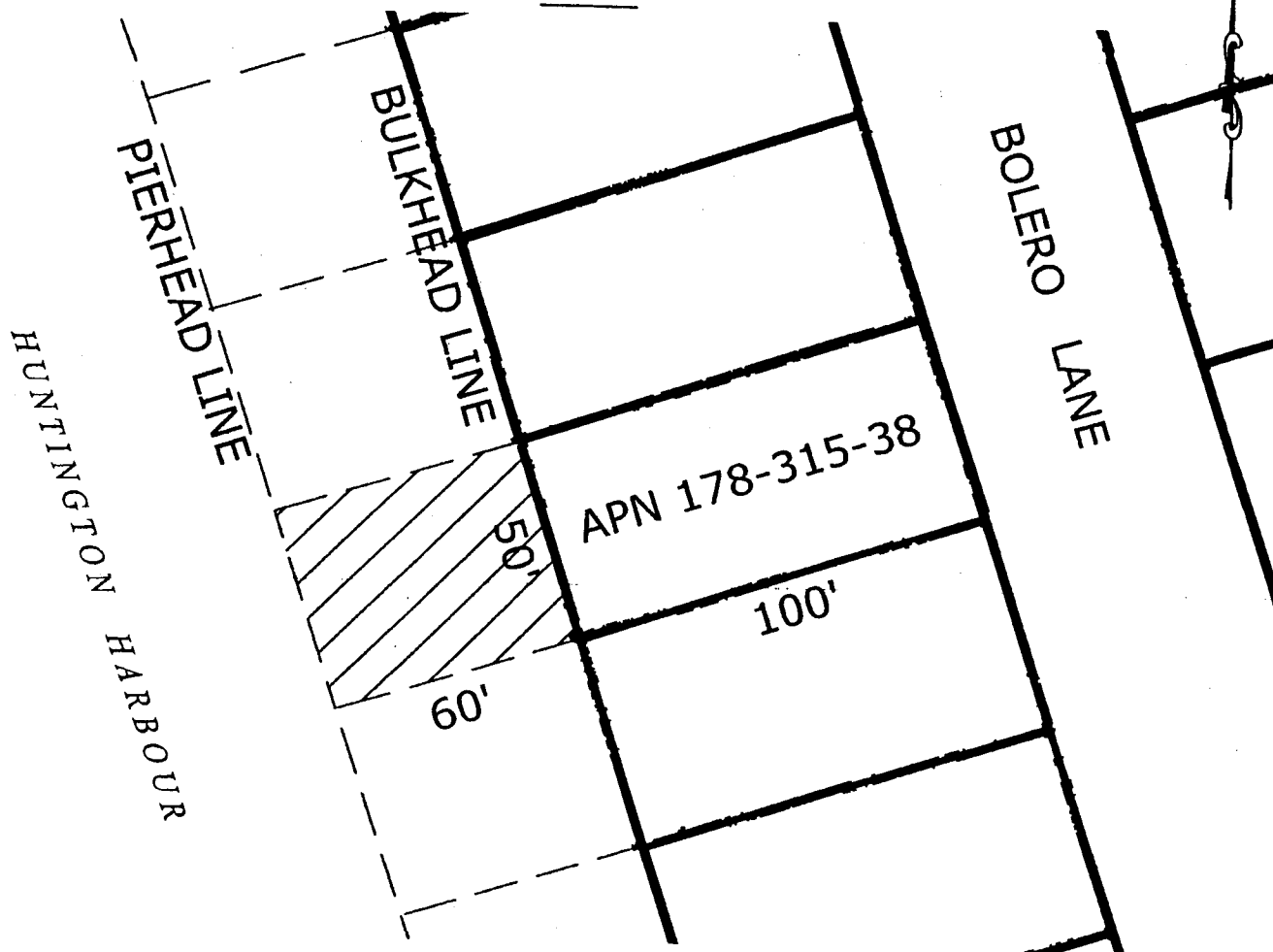
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 3568.1, A GENERAL LEASE - RECREATIONAL USE, OF LANDS SHOWN ON EXHIBIT A AND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE FEBRUARY 9, 2006 FOR THE REMOVAL AND REPLACEMENT OF THE EXISTING BOAT DOCK AND INSTALLATION OF A NEW "U" SHAPED BOAT DOCK, GANGWAY AND TWO NEW 14" DIAMETER PILES AND REVISE THE EXISTING RENT AS TO THE BOAT DOCK FROM \$237 PER YEAR TO \$256 PER YEAR, RENTAL REVISION EFFECTIVE APRIL 25, 2006. ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

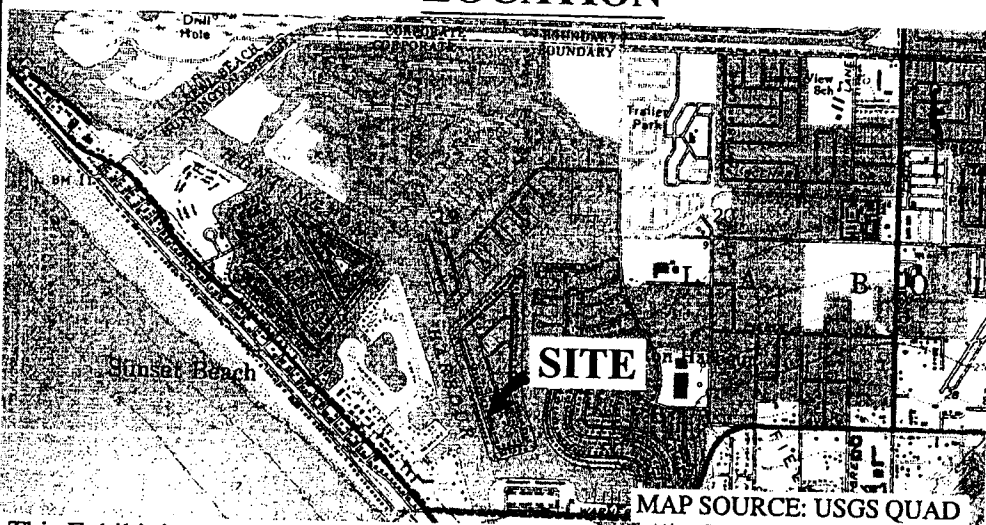
SITE



16971 BOLERO LANE, HUNTINGTON HARBOUR

NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

PRC 3568
BOLERO LANE LLC
APN 178-315-38

ORANGE COUNTY



000215
CALENDAR PAGE

000001
MINUTE PAGE

EXHIBIT B

PRC 3568

LAND DESCRIPTION

A parcel of submerged land in Huntington Harbour in the City of Huntington Beach, Orange County, California, described as follows:

Beginning at the most southerly corner of Lot 39, as said lot is shown and so designated on that certain map of Tract No. 5264 filed in Book 185, Pages 27 through 34 of Miscellaneous Maps, Official Records of said County; thence along the southwesterly extension of the southeasterly line of said lot 60.00 feet, more or less, to the pierhead line; thence northwesterly along said pierhead line to the southwesterly extension of the northwesterly line of said lot; thence along said extension 60.00 feet, more or less, to the most westerly corner of said lot; thence along the southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 02/07/2005 by the California State Lands Commission Boundary Unit

